THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	
Inventors: Maurizio PILU et al.	: Confirmation No. 4757
	:
U.S. Patent Application No. 10/628,229	: Group Art Unit: 2145
	:
Filed: July 29, 2003	: Examiner: Mitra KIANERSI
For: VISUAL MEDIA VIEWING SYSTEM AND METHOD	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

BRIEF ON APPEAL

Further to the Notice of Appeal filed October 14, 2008, in connection with the above-identified application on appeal, herewith is Appellant's Brief on Appeal. The Commissioner is authorized to charge Deposit Account No. 08-2025 in the amount of $540 for the statutory fee.

To the extent necessary, Appellant hereby requests any required extension of time under 37 C.F.R. §1.136 and hereby authorizes the Commissioner to charge any required fees not otherwise provided for to Deposit Account No. 08-2025.

TABLE OF CONTENTS

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, L.P., a Texas limited partnership.

II. Related Appeals and Interferences

There are no related appeals and/or interferences.

III. Status of Claims

A. Total Number of Claims in Application

1. There are 26 claims in the application, identified as claims 1-26.

B. Status of All the Claims

1. Claims canceled: None
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-26
4. Claims allowed: None
5. Claims rejected: 1-26

C. Claims on Appeal

1. Claims on appeal: 1-26

IV. Status of Amendments

All amendments have been entered. There was no amendment after the final rejection.

V. Summary of Claimed Subject Matter

Independent claim 1 is directed to a method of viewing visual pictorial media, such as the scene of Figure 3a (page 12, lines 18-23), across a network 104 (page 1, lines 3-8; page 9, lines 27-29). The method is performed with first and second network elements connected to the network. In the embodiment of Figure 1, the first network element is server 102 and the second network element is one of receiving or viewing units 106 (page 9, lines 27-29). In the embodiment of Figure 2, the first network element is master viewing unit 202a and the second network element is one of slave units 202 b-d (page 12, lines 11-16).

The method comprises the steps of:

i) storing respective local visual pictorial media data 124 corresponding to the same visual pictorial media in storing devices 110 and 120 on the first and second network elements 102 and 106, respectively, that are connected to the network 104 (page 10, lines 16-23); in the example of Figure 3a, data 124 represent the entire scene of Figure 3a;

ii) creating derived visual pictorial media data from the locally stored visual pictorial media data 124 with a processing means 108 of the first network element 102 (page 10, lines 25-29; steps 510 and 512, Figure 5; page 16, lines 27-30); in the example of Figures 3a and 3b, the derived visual pictorial media data represent cropped images of scene 300 including yachts 302e,f (page 12, lines 25-28).

iii) automatically generating, during step 514 (Figure 5, page 16, line 30- page 17, line 2), a control data set 126 representing the derived visual pictorial data and corresponding to operations to be performed by a processing means 108 of server 102 to create the derived visual pictorial media data (page 10, lines 29-32; page 2, lines

28-30); in the example of Figures 3a and 3b, data set 126 indicates the location in the scene of Figure 3a where crop boxes including yachts 302e,f are located and instructions to crop and zoom the images of yachts 302e,f (page 12, lines 25-31);

iv) transmitting, during step 516 (Figure 5; page 17, line 4), the control data set 126 from the first network element 102 to the second network element 106 via the network 104;

v) recreating, during step 518, (Figure 5; page 17, line 5) the derived visual pictorial data with a processing means 122 of the second network element 106 by use of the control data set 126 (page 11, lines 6-9); and

vi) displaying, during step 520 (Figure 5; page 17, lines 5,6), the local visual pictorial media data in accordance with the derived visual pictorial media data 126 on viewing means 112 of the second network element 106 (page 10, lines 1,2).

Independent claim 11 is directed to a visual pictorial media viewing system 100 (page 9, line 27; page 1, lines 3-9) comprising first and second network elements 102, 106 connected over a network 104 (Figure 1; page 9, lines 27-29). The first network element 102 is arranged for: (a) storing, in storage device 110, visual pictorial media data 124 (page 10, lines 16,17), (b) automatically selecting a portion of the visual pictorial media data (page 10, lines 25-28; step 510, Figure 5; page 17, lines 27,28), (c) processing said portion of the visual pictorial media data (page 10, lines 29,30) , (d) generating a control data set 126 (page 10, lines 30-32); and (e) transmitting the control data set to the second network element 106 over the network 104 (step 516, Figure 5; page 17, line 4).

The second network element 106 is arranged for: (a) receiving the control data set 126 from the first network element (page 11, lines 6, 7), (b) storing, in storage device 120, a copy of the visual pictorial media data (page 10, lines 17-21), (c) processing, in processor 122, the received control data set 126 and the visual pictorial media data (page 11, lines 7-9), and (d) displaying on display 112 a pictorial image corresponding to the processed visual pictorial media data (page 10, line 2; step 520; page 17, lines 5,6). The control data set 126 includes (a) information relating to the

location of said portion within the locally stored copy of the visual pictorial media data (page 10, lines 30,31) and (b) processing instructions relating to generating and displaying the pictorial image generated from said portion on the display of the second network element arranged for displaying the pictorial image corresponding to the processed visual pictorial media data (page 10, line 31-page 11, line 4).

Independent claim 15 defines a network element 102 comprising (1) a data store 110 for storing visual pictorial media data 124 (page 9, lines 27-32; page 10, lines 16,17), (2) a selector for automatically selecting derived visual pictorial media data from the stored visual pictorial media data (page 10, lines 25-29), (3) a first processor 108 for processing said derived visual pictorial media data (page 10, line 30), (4) a data generator 108 for generating a control data set 126 (page 10, lines 30-32), and (5) a transmitter 108 for transmitting the control data set across a network to a remote network element 106 having a local copy of the visual pictorial media data stored thereupon (page 11, lines 3,4). The control data set includes information corresponding to operations to be performed by a second processor 122 to create the derived visual pictorial media data to enable the second processor, in response to receiving the control data set 126, to recreate the derived visual pictorial data for display of the local visual pictorial media data in accordance with the derived visual pictorial media data 126 (page 10, line 30- page 11, line 12).

Independent claim 22 concerns a network element 106 comprising a receiver 122 for receiving a control data set 126 from a remote network element 102 across a network (page 11, lines 6,7). A data store 120 locally stores visual pictorial media data 124 (page 10, lines 17,18). A display 112 displays an image stored in the data store 120 (page 10, line 2; page 17, lines 5,6). The received control data set 126 includes (a) information relating to the location of a portion of the visual pictorial media data (page 10, lines 30,31) and (b) processing instructions relating to the generation and display of a pictorial image of said portion from the locally stored visual pictorial media data upon the display (page 10, lines 31,32). A processor 122 coupled with the receiver, data store and display supplies a portion of the locally stored visual pictorial

media data to the display 112 based on the location information and the processing instruction in the received control data set 126 (page 11, lines 6-9).

Independent claim 25 relates to a network element 102 comprising a data store 110 for storing visual pictorial media data 124 (page 7, lines 10-12; page 10, lines 16,17). A processor 108 (a) automatically selects a portion of the visual pictorial media data 124, and (b) generates a control data set 126 including the location of said portion within the visual pictorial media data and information relating to the processing of the data (page 7, lines 13-15; page 10, lines 16,17). A network interface card transmits the control data set over a network to a second network element having (1) a locally stored copy of the visual pictorial media data thereon and (2) a screen for synchronously displaying (a) a pictorial image corresponding to the portion of the data with (b) the second personal computer (page 7, lines 15-19).

Independent claim 26 defines a network element 106 comprising (1) a network interface card for receiving a control data set 126 from a remote network element 102 across a network 104 (page 7, lines 21-23; page 11, lines 6,7), (2) a data storage device 120 for locally storing visual pictorial media data 124 (page 7, lines 23, 24; page 10, line 10), (3) a processor 122 for processing the received control data set 126 and the visual pictorial media data 124 (page 7, lines 24,25; page 10, line 8), and (4) a screen 112 for displaying a pictorial image corresponding to the processed visual pictorial media data 124 (page 7, lines 26,27; page 10, line 2). The received control data set 126 includes (a) information relating to the location of an automatically selected portion of the visual pictorial media data 124 (page 7, line 28; page 10, lines 30,31) and (b) processing instructions relating to generating and synchronously displaying (a) a pictorial image of said portion from the locally stored visual pictorial media data 124 upon the screen 112 with (b) its display on the remote network element 102 (page 7, lines 29-31; page 10, lines 31,32; page 11, lines 28-31). The processor 122 is coupled with the network interface card, the screen 112, the data storage device 120 and the display 112 for causing the screen to automatically display the local selected portion of the visual pictorial media data 124, synchronously with

display of the locally stored visual pictorial media data with display thereof at the remote network element 102 (page 11, lines 20-27).

VI. Grounds of Rejection to be Reviewed on Appeal

The anticipation rejection of claims 1-26 under 35 USC 102(e) based on Banitt, US Patent 5,963,247.

VII. Argument

A. The Banitt Disclosure

Figure 1 of Banitt is concerned with a three dimensional visual display system including main screen 102, left peripheral screen 104 and right peripheral screen 106, respectively responsive to different images from main projector 108, projector 110 for a secondary left image and projector 112 for a secondary right image. The projectors are responsive to different images supplied to them by controller 120; column 9, line 64-column 10, line 42, and column 11, lines 30-33.

The different images projected by projectors 108, 110 and 112 are produced by the recording apparatus illustrated in Figure 3; column 8, lines 51-53, which is discussed in a summary way at column 8, lines 1-15, and in detail at column 13, line 25-column 14, line 49. Primary visual image source 202 derives image P that is viewed on display 204. Secondary visual image source 206 derives unprocessed left and right secondary visual images that are selected by using selection apparatus 207. Image source 206 has subject matter (1) compatible with primary visual image P and (2) displayed on the left and right side screens 208 and 210, respectively. Column 8, lines 6-9 indicates the secondary visual image sources store secondary visual images, each of which views scenes which differ from the first scenes that are stored by the primary visual image source.

The unprocessed secondary visual images in source 206 are processed by secondary visual image processing apparatus 216 so the secondary visual images are matched with primary visual image P so the primary and secondary visual images are generally matched for overall shading, lighting, coloring, and geometry and shadows as well as for object and camera movement so that the secondary visual images include psychological depth perception cues while the recordings of the secondary visual images are visualized on display system 100; column 14, lines 18-30.

Column 16, lines 46-61 describes the process and apparatus 280 a cameraman employs to approximately match the camera motion of a primary camera when filming secondary visual image sequences. The cameraman employs camera 282, monitor 284 and recorder 286. Camera 282 initially films the primary image sequence which is displayed, during filming, on monitor 284. When the cameraman turns to film a secondary image sequence, whether it is in a similar location or in a completely different location from the location where the primary image sequence was filmed, he displays the recorded scene of the primary image sequence on monitor 284. The cameraman attempts to match the camera motion of the camera which took the primary image sequence of filming the scenes for the secondary image sequence. Thereafter, secondary visual image processing apparatus 216 more closely matches the primary and secondary image sequences as indicated by the operations illustrated in Figures 4 and 5.

From the foregoing, it is clear that the word "matching" as employed by Banitt does not mean that the primary and secondary visual images on display 204 and screens 208 and 210 are the same. Instead, the word "matching" means the primary and secondary visual images on display 204 and screens 208 and 210 are compatible with each other so that, for example, the edge portions of the primary and secondary images blend so as to form visual transitions between the primary and secondary images and provide enhanced three dimensional visualization; column 14, lines 27-43.

B. Banitt does not anticipate claim 1

Claim 1 includes the step of storing respective local visual pictorial media data corresponding to the same visual pictorial media on first and second network elements connected to a network. The examiner relies on column 8, lines 1-15 for this feature.

However, as discussed supra, the secondary visual image sources are disclosed in column 8, lines 7-9 as differing from the primary image sources. In addition, as discussed supra, the word "matching" does not, in this instance, mean that the primary and secondary images are the same. In the Response to Arguments section in lines 3-5, page 3 of the final rejection, the examiner responded to this argument by inferring that column 5, lines 44-55 of Banitt discloses the requirement for first and second network elements to store the same visual pictorial media. However, this portion of the reference merely states the image sequences are matched to each other so as to reach essentially identical starting and ending times of display for all sequences. This does not mean the primary and secondary sequences are the same.

Claim 1 also requires a processing means of the second network element to use a controlled data set derived by a processing means of the first network element to re-create visual pictorial data created by the first network element from the stored visual pictorial media data at the first network element. In other words, the second network element re-creates visual pictorial data created by the first network element by using the controlled data set derived by the first network element. This is indicated by the requirement of claim 1 for a viewing means of the second network element to display the local visual pictorial media data in accordance with the derived visual pictorial media data.

To meet the re-creating step, the examiner relies on motion creator 276 (Figure 8) of motion matcher 234 (Figure 5) of secondary image processor 216 and cites column 16, lines 5-8. Column 15, lines 63-65 indicates motion creator 276 implements the motion of primary images P onto a stabilized series of secondary images. Column 15, line 66-column 16, line 2 indicates motion detector 272, which provides a "motion parameter" input to motion creator 276, detects the motion of the camera for the primary image vis-à-vis a scene. Column 16, lines 5-8 merely indicates motion creator 276 transforms a series of stabilized images into an image having motion defined by a set of motion parameters. In other words, this discussion concerning motion creator 276 merely means the motion of the secondary images follows that of the primary image. It has nothing to do with a second network element using a controlled data set

derived by a processing means of a first network element to re-create visual pictorial data created by the first network element from the stored visual pictorial media data at the first network element.

To meet the requirement of claim 1 for displaying the local visual pictorial media data in accordance with the derived visual pictorial media data upon viewing means of the second network element, the final rejection includes the following statement in the last five lines of the paragraph on page 6: "((35) a soundtrack (step 303, FIG. 10 is prepared to accompany the visual display such that its playback through speakers 114 and 116 of system 100 can be employed to enhance the effect of three dimensionality in general and the feeling of space and viewer and audience participation in particular. Col 14, lines 44-50)." This statement has nothing to do with displaying local visual pictorial media data and is concerned with presentation system 100, Figure 1, rather than the system of Figure 3, relating to producing recordings of visual images.

Based on the foregoing, the anticipation rejection of claim 1 is clearly erroneous.

C. Banitt does not anticipate independent claim 11

The rejection of claim 11 appears to rely on column 10, lines 49-52, column 15, lines 63-66 and column 14, lines 44-50 of Banitt to disclose the requirement for a controlled data set that is transmitted from a first network element to a second network element to include (a) information relating to the location of a portion of visual pictorial media data within a locally stored copy of the visual pictorial media data and (b) processing instructions relating to generating and displaying the pictorial image generated from said portion on the display of the second network element arranged for displaying the pictorial image corresponding to the processed visual pictorial media data.

Column 10, lines 49-52 of the reference merely states: "One of the key novelties of the present invention is that it allows images to be displayed that were not recorded in the precise coordination or synchronization that is required of images that need to be displayed according to the disclosed art." The statement obviously has

nothing to do with transmitting information relating to the location of a portion of visual pictorial media data within a locally stored copy of visual pictorial media data or processing instructions relating to displaying a pictorial image generated from a portion of visual pictorial media data.

Column 15, lines 63-66 deals with motion creator 276 which causes the motions of the primary images to be reflected in the motions of the secondary images, as discussed supra in connection with the rejection of claim 1. This also has nothing to do with the foregoing limitations of claim in 11.

Column 14, lines 44-50 of the reference deals with audio playback through speakers 114 and 116 of the audience presentation system 100 of Figure 1. In other words, this portion of the reference has nothing with claim 11.

D. Banitt does not anticipate independent claim 15

The rejection of claim 15 states: "This claim teaches the same limitation as claim 1 and is rejected by the same rational (sic)." In fact, claim 15 includes limitations not included in claim 1. For example, claim 15 requires a network element to include a transmitter for transmitting a controlled data set across a network to a remote network element. Banitt has no disclosure of two network elements that are remote from each other. Figure 3 implies that secondary visual image processing apparatus 216 and primary visual image source 202 are in the same structure. In addition, claim 15 indicates a controlled data set transmitted by the network element including the transmitter includes information corresponding to operations to be performed by a second processor to create the visual pictorial media data derived by the network element which is not the remote network element to enable the second processor, in response to receiving the control data set, to recreate the derived visual pictorial data for display of the local visual pictorial media data in accordance with the derived visual pictorial media data. Banitt has no disclosure of secondary visual image processing apparatus 216 re-creating visual pictorial data that primary visual image source 202 derives, or vice versa.

E. Banitt does not anticipate independent claim 22

The rejection of claim 22 relies exclusively on column 8, lines 1-15 of Banitt. It is not clear from the office action whether the examiner considers the primary visual image source or the secondary visual image sources of the reference to be the network element specified by claim 22 or the remote network element that derives a control data set received by a receiver of the network element of claim 22. In any event, column 8, lines 1-15 of the reference fails to disclose a control data set including information relating to the location of a portion of visual pictorial media data locally stored in a data store of a network element. Consequently, the rejection of claim 22 is improper.

F. Banitt does not anticipate independent claim 25

The rejection of claim 25 on page 11 of the final rejection relies on: (1) motion detectors 270 and 272 for the disclosure of network elements; (2) Figure 9 for illustrating the elements of motion matcher 234; (3) Figure 5 for illustrating the elements of secondary visual image processing apparatus 216; (4) column 15, lines 17-20; (5) column 10, lines 49-52; (6) column 14, lines 44-50; and (7) column 16, lines 5-8 of the reference.

Based on (1), the examiner apparently construes motion detector 270 as the network element specified in the preamble of claim 25 and motion detector 272 as the second network element of claim 25, or vice versa. Motion detectors 270 and 272 respectively determine the motion of the camera which obtains the secondary visual images and the motion of the camera which obtains the primary images; column 15, lines 57-65. Motion creator 276, Figure 8, responds to the output of motion detector 272 to apparently cause the motion of the secondary images to be coordinated with the motion of the primary images; column 15, line 63-column 16, line 6. Motion creator 276 is part of motion matcher 234, which in turn is part of secondary image processor 216, illustrated in Figure 5. Column 14, lines 50-54 indicates secondary image processor 216 generally matches the object and camera movement in the primary and secondary visual images. Hence, neither motion detector 270 or 272 discloses the requirement of claim 25 to generate a control data set including the location of a selected portion of visual pictorial

media data stored in the motion detector. In addition, neither motion detector 270 or 272 includes the requirement of claim 25 for a network interface card.

The reference to Figure 9 in the office action and column 15, lines 53-57 of the reference is obviously in error, as an examination of Figures 8 and 9 indicates. Figure 9 is an illustration of the physical components of apparatus 280 for enabling a cameraman to approximately match the camera motion of a primary camera while filming secondary visual image sequences. Apparatus 280 includes camera 282, monitor 284 and a video recorder 286; column 16, lines 42-52. The examiner's blind reliance on Figure 9 is exemplary of his failure to consider and understand the basic principles of Banitt and appellants' claims.

The portions of columns 10 and 14-16 mentioned in the office action have been considered but are not relevant to claim 25. Column 15, lines 17-20 indicates multi-scaler 230 changes the size of all sections of secondary image 240 (Figure 6; column 8, lines 59-61) apparently to enable the secondary image to match the size of the primary image. Column 10, lines 49-52 indicates images that were not recorded in the precise coordination or synchronization that is required in images that need to be displayed according to the prior art are displayed with precise coordination or synchronization by the system of the reference. Column 14, lines 44-50 refers to the soundtrack of the presentation apparatus. Column 16, lines 5-8 discusses motion creator 276, which has been extensively considered in this Brief. None of these segments of the reference disclose the requirements of claim 25 (1) to generate a control data set including the location of a selected portion of visual pictorial media data stored in the motion detector, or (2) for a network element to include a network interface card.

G. Banitt does not anticipate independent claim 26

Claim 26 distinguishes over Banitt by requiring (1) a network interface card for receiving a control data set from a remote network element across a network, (2) the received control data set to include information relating to location of an automatically selected portion of visual pictorial media data locally stored in a data storage device of the network element, and (3) a processor for causing a screen to automatically display a

locally selected portion of the visual pictorial media data synchronously with display of the locally stored visual pictorial media data with display of such data at the remote network element.

The rejection of claim 26 is in the paragraph bridging pages 11 and 12 of the final rejection, which paragraph refers to "image processing tools 57." However, there is no reference numeral "57" in Banitt; the lowest reference numeral is 100. Consequently, appellants are unable to comment about "image processing tools 57." In any event, the reference has no disclosure of a network interface card, or of a network element that is remote from the network element specified in the preamble of the claim.

The office action alleges Banitt discloses, at column 11, lines 66-67 and column 12, lines 1-13, the requirement of claim 26 for receiving information relating to location of an automatically selected portion of visual pictorial media data. This portion of the reference indicates the secondary images L and R only need to include subject matter which tends to match the subject matter of the primary visual image. Column 12, lines 3-7 indicates "tends to match" means that the subject matter of the secondary images has a logical correlation to the subject matter of the primary image in terms of the nature of features, sizes of objects etc. Lines 9-13 go on to state that if a main image includes a meadow dotted with cows, a secondary image sequence may include green hills taken at an altogether different location and time, but can not include the use of craters of the moon or dunes from the Gobi desert. This wording provides a clear indication that, in the reference, if two images are indicated to be "matched" they are not the same. In addition, there is nothing in column 11, line 66-column 12, line 13 concerning information relating to the location of an automatically selected portion of visual pictorial media data.

The office action also mentions column 18, lines 44-60 of Banitt. This portion of the reference deals with providing markings for precise matching between frames of side and center sequences. It is evident that such matching relates to making sure the images in the frames of the side sequences correlate with the images in the frames of the center sequences. In any event, column 18, lines 44-60 has no disclosure of the foregoing requirements (1), (2) or (3) of claim 26.

H. Banitt does not anticipate many of the dependent claims

Claim 6 requires visual pictorial saliency techniques to be used to select the portion of the visual pictorial media automatically. Claim 1 further indicates the visual pictorial media data that are created from the locally stored visual pictorial media data are derived with a processing means of the first network element, wherein the local visual pictorial media data that are at the second network element are displayed at the second network element. The office action alleges the requirements of claim 6 are found in column 7, lines 25-40 of Banitt. Column 7, lines 25-40, however, indicates a secondary visual image matching unit includes at least one of a multi-scaler, a rate matcher, a motion matcher, an edge master and a color matcher. The multi-scaler scales selected secondary visual images to match the scale of the primary visual image. The rate matcher matches the timing of a series of selected secondary visual images to the timing of a series of primary visual images. The motion matcher matches the camera motion in a series of selected secondary visual images to the camera motion of a series of primary visual images. The edge matcher blends each edge of the primary image with the edge of one of the secondary images adjacent to it. The color matcher matches the color quality of the selected secondary images to the color quality of the primary visual image. This has nothing to do with the requirements of claim 6 with regard to pictorial saliency, particularly in combination with the foregoing requirements of claim 1 that relate to the saliency requirements of claim 6. The Response to Arguments section of the final rejection discusses this argument but fails to indicate how the reference discloses the use of visual pictorial saliency techniques to select a portion of a visual tutorial media automatically.

To reject claim 9, the office action relies on Figure 2C of Banitt. Claim 9 requires visual pictorial media data to be transferred from a first network element to a second network element prior to step (i) of claim 1, that is, prior to local visual pictorial media data corresponding to the same visual pictorial media being stored on first and second network elements connected to a network across which are viewed visual pictorial media. Figure 2C, described in the paragraph bridging columns 12 and 13, includes three consecutive frames for display as the left, right and principle visual images. These

images illustrate the use of movement for intensifying three dimensionality, such that a viewer perceives a zoom shot toward automobile 140, as further emphasized through the enlargement of trees 142 and 144 as the automobile and trees approach a viewer or audience. This has nothing to do with transferring visual pictorial media data from a first network element to a second network element, and in particular has nothing to do with such a transfer occurring prior to local visual pictorial media data being stored on first and second network elements.

The Response to Arguments section of the final rejection replies to this argument by arguing claim 10 of the reference discloses a method of recording at least one secondary sequence of images prior to recording said at least one secondary sequence of images, wherein the recording comprises displaying the main sequence to a camera person for visual guidance during the recording of the secondary sequence of images to enable approximate matching of the movement of the images. However, claim 10 of the reference does not relate to the requirement of appellants' claim 9 for transferring visual pictorial media data from a first network element to a second network element. Claim 10 of the reference merely refers to making a recording the secondary sequence of images.

The allegation in the office action that appellants' claim 10 "teaches" the same limitations as claim 1 is incorrect. Claim 10 requires, inter alia, additional, derived visual pictorial media data from the locally stored visual pictorial media data to be created with a processing means of the second network element, which is a limitation different from the limitations of claim 1. Claim 10 also requires a control data set to be transmitted from the second network elements of the first network element via the network, a feature also not found in claim 1. The Response to Arguments section of the final rejection states "claim 10 is teaching the same limitation as claim 1, written in a different form or language." Hence, the examiner has ignored the additional requirements of claim 10.

Claim 11 distinguishes over Banitt by requiring, inter alia, a copy of the visual pictorial media data to be stored and the control data set that is transmitted from a first network element to a second network element to include information relating to the location of an automatically selected portion within the locally stored copy of the visual pictorial media data. The office action again relies on column 10, lines 49-52, column 15,

lines 63-66 and column 14, lines 44-50 of Banitt. However, there is no disclosure in any of these parts of Banitt of network elements connected over a network, nor storing, at a second network element, a copy of visual pictorial media data that is at a first network element. The Response to Arguments section of the final rejection replies to this argument by stating column 5, lines 21-26 of Banitt discloses that one or more of the secondary sequences of images have been recorded (or copied) at a different location from the location at which the main sequence of images has been recorded. Recording an image does not necessarily mean the image has been copied, as inferred by the examiner. When a camera captures an image, the camera records the image, but does not copy it.

Claim 12 requires the control data set that is transmitted from the first network element to the second network element to be smaller than the portion of a visual pictorial media data. The office action relies on column 15, lines 18-27 of Banitt for this feature. However, this portion of Banitt relates to changing the size of sections of an image and has nothing to do with a control data set that is transmitted from a first network element to a second network element.

Claim 14 distinguishes over Banitt, inter alia, by requiring a third network element connected to the network, wherein the third network element has a data store arranged to store the visual pictorial media locally, and the first network element is arranged to transmit the control data set to the third network element such that the viewing means of the third network element is arranged to substantially synchronously display the portion of the visual pictorial media that are stored locally, and with the display of the portion of the visual pictorial media on the second network element. The office action relies on column 10, lines 49-52 and column 15, line 63-66 of Banitt for the features of claim 14. However, there is nothing in these portions of the reference dealing with network elements, no less first, second and third network elements.

Claim 16 indicates the information contained in the control data set comprises information relating to the location of a portion within the visual pictorial media data and processing instructions relating to generating and displaying a pictorial image corresponding to the located portion. The office action relies on column 8, lines 1-15 of

the reference to meet this requirement. As discussed supra, column 8, lines 1-15 does not disclose a control data set including information relating to the location of a portion within the visual media data, nor does it include processing instructions relating to generating and displaying a pictorial image corresponding to the located portion.

Claim 17 requires the network element of claim 15 to include a viewer for viewing an automatically selected portion of the visual pictorial media data synchronously with the display of the pictorial image upon the remote network element. The office action incorrectly alleges this claim "teaches" the same limitation as claim 4. In fact, claim 4 does not have a requirement concerning a remote network element. As discussed previously, Banitt has no disclosure of a remote network element.

The office action incorrectly alleges column 7, lines 25-40 and column 11, line 66-column 12, line 13 of the reference include the requirement of claim 21 for a selector that selects a portion of the data in response to a prompt from a remote network element. There is no disclosure of a remote network element or of a selector that selects a portion of visual media data in response to a prompt in any of these portions of Banitt.

Claim 23 indicates the pictorial image on the remote network element is the same as the locally stored visual media data, a feature not found in Banitt, as discussed supra.

Reversal of the rejection is in order.

Respectfully submitted,

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VIII. Claims Appendix

1. A method of viewing visual pictorial media across a network comprising the steps of:

i) storing respective local visual pictorial media data corresponding to the same visual pictorial media on first and second network elements connected to the network;

ii) creating derived visual pictorial media data from the locally stored visual pictorial media data with a processing means of the first network element;

iii) automatically generating a control data set representing the derived visual pictorial data and corresponding to operations to be performed by a processing means to create the derived visual pictorial media data;

iv) transmitting the control data set from the first network element to the second network element via the network;

v) recreating the derived visual pictorial data with a processing means of the second network element by use of the control data set; and

vi) displaying the local visual pictorial media data in accordance with the derived visual pictorial media data upon viewing means of the second network element.

2. A method according to claim 1 in which the step of creating the derived visual pictorial media is performed automatically.

3. A method as claimed in claim 1, wherein the step of creating the derived visual pictorial data comprises selecting a portion of the locally stored visual pictorial media data corresponding to a portion of the visual pictorial media.

4. The method of claim 3 further comprising displaying the portion of the locally stored visual pictorial media upon viewing means of the first network element substantially synchronously with the displaying of step (vi).

5. A method according to claim 1 in which the visual pictorial media data stored on the first and second elements are identical.

6. The method of claim 1 comprising using visual pictorial saliency techniques to select the portion of the visual pictorial media automatically.

7. The method of claim 1 comprising including in the automatically generated control data set a spatial and temporal locational information detailing a sub-set of video visual pictorial media.

8. The method of claim 1 comprising sharing a rostrum path between the first and second network elements.

9. The method of claim 1 comprising transferring visual pictorial media data from the first network element to the second network element prior to step (i).

10. The method of claim 1 further comprising:

i) creating further derived visual pictorial media data from the locally stored visual pictorial media data with a processing means of the second network element;

ii) automatically generating a control data set representing the further derived visual pictorial data and corresponding to operations to be performed by a processing means to create the derived visual pictorial media data;

iii) transmitting the control data set from the second network element to the first network element via the network; and

v) recreating the further derived visual pictorial data with a processing means of the first network element by use of the control data set.

11. A visual pictorial media viewing system comprising first and second network elements connected over a network; the first network element being arranged for: (a) storing visual pictorial media data, (b) automatically selecting a portion of the visual pictorial media data, (c) processing said portion of the visual pictorial media data, (d) generating a control data set, and (e) transmitting the control data set to the second network element over the network;

the second network element being arranged for: (a) receiving the control data set from the first network element, (b) storing a copy of the visual pictorial media data, (c) processing the received and the visual pictorial media data, and (d) displaying a pictorial image corresponding to the processed visual pictorial media data;

the control data set including (a) information relating to the location of said portion within the locally stored copy of the visual pictorial media data and (b) processing instructions relating to generating and displaying the pictorial image generated from said portion on the display of the second network element arranged for displaying the pictorial image corresponding to the processed visual pictorial media data.

12. A visual media viewing system according to claim 11 wherein the control data set is smaller than the portion of the visual pictorial media data.

13. A visual media viewing system according to claim 11 wherein the first network element has a display for displaying the pictorial

image generated from the portion of the visual pictorial media data synchronously

with its display upon the display of the second network element.

14. A visual media viewing system according to claim 11 further including a third network element connected to the network, including viewing means and a data store arranged to store said visual pictorial media locally, and the first network element is arranged to transmit the control data set to the third network element such that said viewing means is arranged to substantially synchronously display (a) the portion of the visual pictorial media that are stored locally, with (b) the display of the portion of the visual pictorial media upon the second network element.

15. A network element comprising a data store for storing visual pictorial media data, a selector for automatically selecting derived visual pictorial media data from the stored visual pictorial media data, a first processor for processing said derived visual pictorial media data, a data generator for generating a control data set, and a transmitter for transmitting the control data set across a network to a remote network element having a local copy of the visual pictorial media data stored thereupon, wherein the control data set includes information corresponding to operations to be performed by a second processor to create the derived visual pictorial media data to enable the second processor, in response to receiving the control data set, to recreate the derived visual pictorial data for display of the local visual pictorial media data in accordance with the derived visual pictorial media data.

16. A network element as claimed in claim 15, wherein the information contained in the control data set comprises information relating to the location of a portion within the visual pictorial media data and processing instructions relating to generating and displaying a pictorial image corresponding to said portion of the visual media data from the local copy of the visual media stored on the remote network element.

17. A network element according to claim 15 wherein the network element comprises a viewer for viewing an automatically selected portion of the visual pictorial media data synchronously with the display of the pictorial image upon the remote network element.

18. A network element according to claim 15 wherein the selector is arranged to automatically select a portion of the visual pictorial media data in response to a user selection of a region of a pictorial image formed from the visual pictorial media data.

19. A network element according to claim 15 wherein the selector is arranged to select, automatically, a portion of the visual pictorial media using a visual saliency technique.

20. A network element according to claim 15 wherein the control data set includes details of transitions between a plurality of automatically selected portions of visual pictorial media.

21. A network element according to claim 15 wherein the selector is arranged to select the portion of the data in response to a prompt from a remote network element.

22. A network element comprising

a receiver for receiving a control data set from a remote network element across a network,

a data store for locally storing visual pictorial media data,

a display for displaying an image stored in the data store,

the received control data set including (a) information relating to the location in the data store of a portion of the visual pictorial media data and (b) processing instructions relating to the generation and display of a pictorial image of said portion from the locally stored visual pictorial media data upon the display, and

a processor coupled with the receiver, data store and display for supplying a portion of the locally stored visual pictorial media data to the display based on the location information and the processing instruction in the received control data set.

23. A network element according to claim 22 wherein the control data set includes processing instructions relating to displaying the pictorial image on the network element synchronously with displaying a pictorial image on the remote network element, the pictorial image on the remote network element being the same as the locally stored visual media data.

24. A program storage device readable by a machine encoding a program of instructions which when operated upon the machine causes the machine to operate as a network element according to claim 15.

25. A network element comprising a data store for storing visual pictorial media data, a processor for (a) automatically selecting a portion of the visual pictorial media data, and (b) generating a control data set including the location of said portion within the visual pictorial media data and information relating to the processing of the data, a network interface card for transmitting the control data set, over a network, to a second network element having a locally stored copy of the visual pictorial media data thereon and a screen for synchronously displaying (a) a pictorial image corresponding to the portion of the data with (b) the second personal computer.

26. A network element comprising a network interface card for receiving a control data set from a remote network element across a network, a data storage device for locally storing visual pictorial media data, a processor for processing the received control data set and the visual pictorial media data, and a screen for displaying a pictorial image corresponding to the processed visual pictorial media data, the received control data set including (a) information relating to location of an automatically selected portion of the visual pictorial media data and (b) processing instructions relating to generating and synchronously displaying (a) a pictorial image of said portion from the locally stored visual pictorial media data upon the screen with (b) its display on the remote network element, the processor being coupled with the network interface card, the screen, the data storage device and the display for causing the screen to automatically display the local selected portion of the visual pictorial media data, synchronously with display of the locally stored visual pictorial media data with display thereof at the remote network element.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.